

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS**

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BENJAMIN FONKEM,  
Plaintiff

v.

CIVIL ACTION NO.:  
04-10754-EFH

DEAN O'MALLEY, ET AL.,  
Defendants.

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**ORDER**

September 22, 2005

HARRINGTON, S.D.J.

To secure the just, speedy and inexpensive determination of this action, the parties shall meet prior to trial to accomplish the following:

- (a) to draft and sign a stipulation as to all uncontested facts;
- (b) to narrow the issues to be tried;
- (c) to exhibit to all parties any and all photographs, documents, instruments and other objects any party intends to offer as exhibits at trial;
- (d) to give notice to all parties of the names and qualifications of any expert witnesses a party intends to call;
- (e) to give notice to all parties of the names of witnesses to be called by each party.

A. The stipulation, the statement of the issues to be tried, and the names of the witnesses (expert and others) shall be set forth in a writing, signed by the parties, and deposited with the clerk on or before January 2, 2006.

B. A list of the proposed exhibits (photographs, documents, instruments and all other objects), in order of their introduction to the Court, shall be filed with the clerk on or before January 9, 2006.

C. A party who intends to object to any proposed exhibit shall give written notice of the grounds of objection to the party offering the exhibit, and file a copy of the notice with the clerk on or before January 16, 2006.

D. A party who intends to object to the qualifications of an expert witness shall give notice thereof to all other parties, and file a copy of the notice with the clerk on or before January 16, 2006.

E. A trial brief shall be filed by each party on or before January 23, 2006.

F. Each party shall file requests for rulings when the case is called for trial and may supplement the requests if the evidence develops otherwise than anticipated. Requests for rulings and/or requests for instructions to the jury must be filed in duplicate on the first day of trial, Monday, January 23, 2006, with authority for each proposed instruction.

SO ORDERED.

/s/ Edward F. Harrington  
EDWARD F. HARRINGTON  
United States Senior District Judge